

Laura E. Burri  
RINGERT CLARK CHARTERED  
455 South Third Street, P.O. Box 2773  
Boise, ID 83702  
Telephone: (208) 342-4591  
Attorneys for Debtors

U.S. DISTRICT &  
BANKRUPTCY COURTS  
98 APR 22 PM 4:19  
FILED DEPOSITORY IDAHO  
Cameron S. Burke, Clerk

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO

In re:	)	
	)	
	)	Case No. 93-02385
	)	
DAVID SILVA and	)	MOTION TO ALLOW DEBTOR TO FILE
SHARON SELMASSKA,	)	LATE FILED CLAIM AND ADD CREDITOR
	)	STATE OF NEW JERSEY
Debtors.	)	
_____	)	

COME NOW the debtors, by and through their attorney of record, and hereby moves this court to allow the debtor to file a late filed claim and to add an additional creditor, the State of New Jersey. This Motion is based on the following grounds:

1. Prior to moving to Idaho and filing the present bankruptcy proceeding, David Silva was involved in a Subaru dealership in New Jersey. The business was sold and Mr. Silva had not further involvement in the business after approximately 1990.


2. Mr. Silva recently received the Summary Judgement which is attached hereto as Exhibit A and incorporated herein by reference. The Summary Judgement provides that the State of New Jersey is due the sum of \$232,742.12 plus costs.

3. The obligation of the Mrs. Silva as evidenced by Exhibit A is a pre-petition obligation that should be properly included in the present bankruptcy proceeding. There has been not distribution to any creditors of the bankruptcy estate to the date of this motion.

MOTION TO ALLOW DEBTOR TO FILE LATE FILED CLAIM AND ADD CREDITOR  
STATE OF NEW JERSEY - PAGE 1

87

DATED this 22nd day of April, 1998.

  
\_\_\_\_\_  
Laura E. Burri  
Attorney for Debtors

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document was mailed, postage prepaid, to the following on this 22nd day of April, 1997.

John Krommenhoek  
Trustee  
P.O. Box 8358  
Boise, ID 83707

Jill Olofson  
P.O. Box 1730  
Long Beach, CA 90801-1730

Barry Peters  
101 Eagle Glen Lane, Ste A  
Eagle, ID 83616

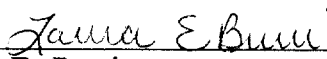
Nicholas Panarella, Jr.  
15 West Front Street  
Trenton, NJ 08608

David Silva  
5320 Wylie Lane  
Boise, ID 83703-4321

Jon Gorski  
P.O. Box 829  
Boise, ID 83701

H. Paul Kondrick  
Richard Norton  
2150 West Washington Street, Ste 402  
San Diego, CA 92110

Martin F. Barbato  
Cohen and Cohen  
25 Pompton Avenue  
Verona, NJ 0744

  
\_\_\_\_\_  
Laura E. Burri

A True Copy

  
JUDE DEL FREORE  
Deputy Clerk of Superior Court

DONALD F. PHELAN  
CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED

MAR 23 1998

  
JUDE DEL FREORE  
DEPUTY CLERK OF SUPERIOR COURT

NICHOLAS PANARELLA, JR., ESQUIRE  
15 West Front Street  
Trenton, NJ 08608  
609-989-7535  
Attorney for Plaintiff

STATE OF NEW JERSEY,  
DEPARTMENT OF TREASURY,  
DIVISION OF TAXATION,  
Plaintiff,

- v -

DAVID SILVA,  
Defendant.

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION  
: MERCER COUNTY  
: DOCKET NUMBER: L-2430-97  
: CIVIL ACTION

: SUMMARY JUDGMENT

The defendant having made a general appearance in this action, the plaintiff having moved for summary judgment and the Court having reviewed the moving papers and found good cause to grant a summary judgment for the plaintiff;

It is on this 20<sup>th</sup> day of March, 1998,  
ADJUDGED and ORDERED that JUDGMENT is hereby entered in favor of the plaintiff, State of New Jersey, and against the defendant, David Silva, in the sum of \$232,742.12 together with costs to be taxed pursuant to N.J.S.A. 54:49-12.1.

The reasons for this order  
have been set forth on the  
record, by the court.

3/20/98

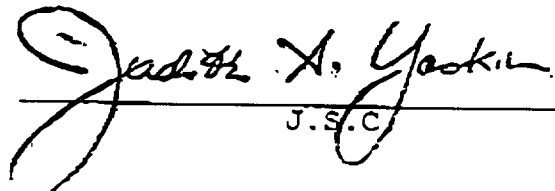
  
J.S.C.

EXHIBIT A